

fax



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Fax: (571) 273-8300

Date: October 27, 2005

From: HOSPIRA, INC.

Tel: 224-212-2889

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RE: US Serial No. 10/727,702  
Filed on December 4, 2003

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Hospira, Inc.  
275 North Field Drive  
Dept. NLEG, Bldg. H-1  
Lake Forest, IL 60045  
[www.hospira.com](http://www.hospira.com)

OCT 27 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Cho, et al.

Serial No.: 10/727,702

Filed: December 4, 2003

Confirmation No.: 8659

Title: CLOSED LOOP IV FLUID  
FLOW CONTROL

Case No.: 6711.US.C1

Group Art Unit: 3748

Examiner: Corrigan, Jamie W.

Certificate of Facsimile Transmission  
under 37 CFR §1.8(a):

I hereby certify that this paper  
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Alexandria, VA 22313-1450

Recipient Fax No.: (571) 273-8300

*Robin Evans* 10/27/05  
Robin Evans Date

TRANSMITTAL LETTER

Mail Stop PETITION  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith for the patent application  
identified above entitled CLOSED LOOP IV FLUID FLOW  
CONTROL are the following:

1. Petition for Reconsideration of Petition to  
Withdraw Holding of Abandonment Based on  
Failure to Receive Office Action  
(2 pages)
2. Statement of Robert DeBerardine from Abbott  
Laboratories (2 pages)
3. Copy of Docket Record (Exhibit A)
4. Copy of Letter from Office of Petitions dated  
9/29/2005 (3 Pages)
5. Issue Fee Transmittal, in duplicate
6. Fee Address Indication Form (1 page)

The Commissioner is hereby authorized to charge any fees

required with this communication for which full payment  
had not been tendered, to Deposit Account No. 50-3118.

Customer No. 41155

HOSPIRA, INC.

Telephone: (224) 212-2889

Facsimile: (224) 212-2088

Respectfully submitted,  
S. Cho, et al.



Michael R. Crabb

Registration No. 37,298

Attorney for Applicants

OCT 27 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Cho, et al.

Serial No.: 10/727,702

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Examiner: Corrigan, Jamie W.

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P.O. Box 1450  
Alexandria, VA 22313-1450

Recipient Fax Number: 571-273-8300

*R. S. Evans*  
Robin S. Evans

Date

10/27/05

PETITION FOR RECONSIDERATION OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE  
ACTION

Mail Stop PETITION  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to your letter dated September 29, 2005, we  
request reconsideration of our petition submitted on  
March 9, 2005.

Provided in support of our petition is the  
following:

1. A statement from Robert DeBerardine of Abbott  
Laboratories stating that the Office communication was  
not received and attesting to the fact that a search of  
the file jacket and docket records indicates the  
communication was not received.


2. A copy of the docket record where the non-received  
Office communication would have been docketed (Exhibit  
A).

No fee is believed to be due in connection with this paper. However, the Commissioner is hereby authorized to charge any fees required with this communication for which full payment had not been tendered, to Deposit Account No. 50-3118.

Customer No. 41155

Respectfully submitted,  
S. Cho, et al.

HOSPIRA, INC.  
Telephone: (224) 212-2889  
Facsimile: (224) 212-2088

  
Michael R. Crabb  
Registration No. 37,298  
Attorney for Applicants

OCT 27 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. Cho, et al.

Serial No.: 10/727,702

Filed: December 4, 2003

Confirmation No.: 8659

Title: CLOSED LOOP IV FLUID  
FLOW CONTROL

Case No.: 6711.US.C1

Group Art Unit: 3748

Examiner: Corrigan, Jamie W.

Certificate of Facsimile Transmission  
under 37 CFR §1.8(a):

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Mail Stop PETITION  
Commissioner for Patents  
Alexandria, VA 22313-1450

Recipient Fax Number: 571-273-8300

*Robin Evans*  
Robin Evans

*10/27/05*  
Date

STATEMENT OF ROBERT DEBERARDINE

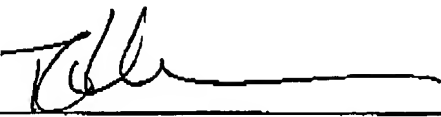
Mail Stop PETITION  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

1. I am Division Vice President and Chief Patent and Trademark Counsel for Abbott Laboratories.
2. I did not receive the original Notice of Allowance mailed by the USPTO on September 27, 2004.
3. I have searched the file jacket and docket records where the non-received Office Communication would have been recorded had it been received and docketed. The file jacket and docket records indicate the Office Communication was not received by Abbott Laboratories.

4. A copy of the docket record is enclosed as Exhibit  
A.

10/27/05  
Date

  
Robert DeBerardine, Reg. 32,853  
DVP, Chief Patent & Trademark  
Counsel  
Abbott Laboratories

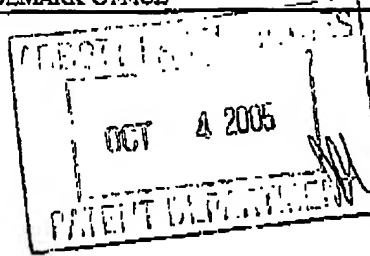






## UNITED STATES PATENT AND TRADEMARK OFFICE

ROBERT DEBERARDINE  
 ABBOTT LABORATORIES  
 100 ABBOTT PARK ROAD  
 DEPT. 377/AP6A  
 ABBOTT PARK IL 60064-6008



Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
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OFFICE OF PETITIONS

In re Application of  
 Cho, et al.  
 Application No. 10/727,702  
 Filed: December 4, 2003  
 Attorney Docket No. 6711.US.C1

ON PETITION

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OCT 27 2005

This is a decision on the petition under 37 CFR 1.181, filed March 9, 2005, requesting withdrawal of the holding of abandonment.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is not final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit the issue fee and publication fee in reply to the September 27, 2004 Notice of Allowance and Fee(s) Due, which set a three month period for reply. Accordingly, the above-identified application became abandoned on December 28, 2004. A Notice of Abandonment was mailed on February 11, 2005.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.<sup>1</sup>

A review of the record indicates no irregularity in the mailing of the September 27, 2004 Notice of Allowance and Fee(s) Due, and in the absence of any irregularity there is a strong presumption

<sup>1</sup> See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Application No. 10/727,702

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that the communication was properly mailed to the applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because practitioner is not practicing at the correspondence address of record. Practitioner's address and the address listed at the bottom of the petition is:

HOSPIRA, INC.  
275 NORTH FIELD DRIVE  
DEPT. NLEG, BLDG., H-1  
LAKE FOREST, IL 60045-257

The September 27, 2004 Notice was properly mailed to the Abbott Laboratories address. The fact that practitioner did not receive the September 27, 2004 Notice at the Hospira, Inc., address does not establish non-receipt.

A statement from the practitioners at the Abbott Laboratories address is required. Only they can provide a proper showing of non-receipt.

Since petitioners allege non-receipt of the September 27, 2004 Notice, a copy is enclosed. It is assumed the September 27, 2004 Notice of Allowability was not received, either. A copy of it is enclosed, as well.

Petitioners are encourage to file either a petition to revive under 37 CFR 1.137(a) – the unavoidable standard – or a petition under 37 CFR 1.137(b) – the unintentional standard. The copy of the two September 27, 2004 Notices will allow petitioners respond properly by paying all required fees and returning a completed Part B - Fee(s) Transmittal. Doing so will avoid further delays in the issuance of any future patent.

Further correspondence with respect to this matter should be addressed as follows:

<b>By mail:</b>	Mail Stop PETITION Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
<b>By hand:</b>	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314
<b>By FAX:</b>	(571) 273-8300 - ATTN: Office of Petitions

Application No. 10/727,702

Page 3

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosures: copy of Notice of Allowance and Fee(s) Due - September 27, 2004  
copy of Notice of Allowability - September 27, 2004

cc: HOSPIRA, INC.  
275 NORTH FIELD DRIVE  
DEPT. NLEG, BLDG., H-1  
LAKE FOREST, IL 60045-257

OCT. 27. 2005 3:11PM 2242122087

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OCT 27 2005

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Name Use Block 1 for any change of address)

23492 7550 09/27/2004

ROBERT DEBERARDINE  
ABBOTT LABORATORIES  
100 ABBOTT PARK ROAD  
DEPT. 371/AP6A  
ABBOTT PARK, IL 60064-6008

10/28/2005 AOSMAN2 00000025 503118 10727702

01 FC:1501 1400.00 DA  
02 FC:1504 700.00 DA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.ROBIN EVANS (Depositor's Name)  
[Signature] (Signature)  
Oct. 27, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10727702	12/04/2003	Steve T. Cho	6711.US.C1	8659

TITLE OF INVENTION: CLOSED-LOOP IV FLUID FLOW CONTROL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
comprovisional	NQ	\$1330	\$300	\$1630	12/27/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
CORRIGAN, JAIME W	3748	604-065000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.313).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. BETH A. VRIONI

2. MICHAEL R. CRABB

3.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

HOSPIRA, INC

(B) RESIDENCE (CITY and STATE OR COUNTRY)

LAKE FOREST, IL

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-3118 (enclose an exact copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Michael R. Crabb

Date

10/27/2005

Typed or printed name

Michael R. Crabb

Registration No. 37,298

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTOL-85 (Rev. 09/04) Approved for use through 04/30/2007.

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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